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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BANH, DAVID H

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/572,896	Applicant(s) SWOBODA, MAREK	
	Examiner DAVID BANH	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 5 is objected to because of the following informalities: The recitation "semi transparent" should include a hyphen between the words "semi" and "transparent".

Appropriate correction is required.

3. Claim 10 is objected to because of the following informalities: Claim 10 is comprised of multiple sentences. Pursuant to MPEP §608.01(m), "Each claim begins with a capital letter and ends with a period. Periods may not be used elsewhere in the claims except for abbreviations." Appropriate correction is required.

4. Claims 11 and 17 are objected to because of the following informalities: The recitation "a static non changing an icon" appears to be a typographical error. The recitation is understood to mean "a static non-changing icon". The recitation "projected image" lacks antecedent basis and should be preceded with an indefinite article. Note that this interpretation of the claim requires that static and non-changing only limit the icon, and do not limit the project image. Appropriate correction is required.

5. Claim 24 is objected to because of the following informalities: The recitation "projected image" lacks antecedent basis and should be preceded with an indefinite article. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 5-7, 9-14, 16-20 and 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Liebenow et al. (US PG Pub 2002/0118175).

For claims 1, 13 and 16: Liebenow et al. teaches a keyboard **132** for an electronic device **100** comprising a housing **102** contoured to rest on a users palms **122**, having a front portion **104** facing the user **122** (see Fig. 1, the front portion includes the display **116** which a user would read), a rear portion **106** facing away from the user **122** (see Figs. 1 and 2, the front **104** and the back **106** are opposite sides), a first side portion **108** and a second side portion **110**, a plurality of keys **134** located on the rear portion **106** (see Fig. 2) facing away from the user **122**, a mechanism for indicating the character or function of the plurality of keys **134** activated from the rear portion **106** of the housing **102** facing away from the user **122** (see Fig. 2, the keys have labels on them).

For claims 2 and 18: Liebenow et al. teaches the keyboard of claims 1 and 13 wherein the plurality of keys **134** follow a QWERTY pattern when projected on the front portion **106** facing the user (see paragraph 33, the keys **134** follow a conventional QWERTY keyboard, see paragraphs 6 and 7, the image of the keys is projected onto the display **116** in the QWERTY layout following to paragraph 33).

For claims 3 and 14: Liebenow et al. teaches the keyboard of claim 1 and 13 wherein at least one key **162** is activatable from at least one side portion **108, 110** of the housing **102** (see Fig. 2, a key **162** is activatable from the side **108**)

For claim 5: Liebenow et al. teaches the keyboard of claim 1 wherein the keys are transparent, semi-transparent or opaque (see Fig. 2, the keys **134** in this embodiment appear opaque, however, everything is one of transparent, semi-transparent or opaque, being not transparent).

For claim 6: Liebenow et al. teaches the keyboard of claim 1 wherein a support mechanism **168, 170** is operable connected to the housing **102** (see Fig. 6).

For claim 7: Liebenow et al. teaches the keyboard of claim 6 wherein the support mechanism **168, 170** is a harness (see Fig. 6, the support **168, 170** is a small harness).

For claim 9: Liebenow et al. teaches the keyboard of claim 1 wherein the electronic device may comprise a remote network interface **506** and thereby the keyboard is connected wirelessly (see paragraph 60 and paragraph 62 and Fig. 13) to the electronic device.

For claim 10: Liebenow et al. teaches the keyboard of claim 1 wherein the housing **102** is contoured to rest in a users palm in such a manner that the keyboard can be held without using fingers (see Fig. 1, the keyboard rests in the users palm **122** and the fingers are used for typing, thus are not the primary support for the keyboard), and a front portion is facing the user (see Fig. 1) and a rear portion is facing away from the user (see Fig. 1) and a user's fingers except thumbs are behind the rear portion **106** of the keyboard facing away from the user and can activate the keys **134** in the rear

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portion **106**. Note the recitation of claim 10 is a statement of intended use and does not structurally limit the claim.

For claims 11 and 17: Liebenow et al. teaches the keyboard of claims 1 and 13 wherein the mechanism for indicating the character or function of the plurality of keys comprises a static icon or a projected image (see Fig. 2, the keys **134** appear to have static labels and paragraph 6 and 7, the image of the keys is projected to the front display **116**).

For claims 12 and 19: Liebenow et al. teaches the keyboard of claim 1 wherein the plurality of keys **134** are located in ergonomic positions (see Fig. 1, the keys **134** appear to correspond to the fingers of the user **122**).

For claim 20: Liebenow et al. teaches a keyboard **132** for an electronic device **100** comprising a housing **102** contoured to rest in a user's palm **122** (see Fig. 1), the housing **102** having a front portion **104** facing the user **122**, a rear portion **106** facing away from the user **122** (see Figs. 1 and 2 respectively), a first side portion **108** and a second side portion **110** (see Figs. 1 and 2), a plurality of keys **134** activatable from the rear portion **106** of the housing **102** facing away from the user **122**, at least one key **162** activatable from a first side portion **108** of the housing **102** and at least one key **164** activatable from the second portion **110** of the housing **102** (see paragraph 34, cavities **160** on both sides of the keyboard may have keys therein).

For claim 22: Liebenow et al. teaches the keyboard of claim 20 wherein the plurality of keys **134** activatable from the rear portion **106** of the housing **102** facing away from the user **122** are transparent, translucent or opaque or some combination

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thereof (see Fig. 2, the keys appear opaque, however, however, everything is one of transparent, semi-transparent or opaque, being not transparent).

For claim 23: Liebenow et al. teaches the keyboard of claim 20 wherein a mechanism for indicating the character or function of the plurality of keys **134** activated from the rear portion **106** of the housing **102** facing away from the user **122** (see Fig. 2, the keys have labels on them).

For claim 24: Liebenow et al. teaches the keyboard of claim 23 wherein the mechanism for indicating the character or function of the plurality of keys **134** comprises an icon (see Fig. 2).

For claim 25: Liebenow et al. teaches the keyboard of claim 20 wherein the plurality of keys **134** follow a QWERTY pattern when projected on the front portion **106** facing the user (see paragraph 33, the keys **134** follow a conventional QWERTY keyboard, see paragraphs 6 and 7, the image of the keys is projected onto the display **116** in the QWERTY layout following to paragraph 33).

For claim 26: Liebenow et al. teaches the keyboard of claim 20 wherein the plurality of keys **134** are located in ergonomic positions (see Fig. 1, the keys **134** appear to correspond to the fingers of the user **122**).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4, 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liebenow et al. (US PG Pub 2002/0118175) in view of Ito et al. (US Patent 6,489,576).

For claims 4, 15 and 21: Liebenow et al. teaches all of the limitations of claims 4, 15 and 21 except the housing of the keyboard is transparent. However, Ito et al. teaches a keyboard where the case of the keyboard is formed of transparent resin to produce an excellent appearance (see Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use transparent resin to construct the housing the keyboard taught by Liebenow et al. for the purpose of giving it an aesthetically pleasing and sophisticated appearance.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liebenow et al. (US PG Pub 2002/0118175).

For claim 8: Liebenow et al. teaches the keyboard of claim 1 and further a support mechanism for the keyboard device **404** comprising a leg **404** (see Fig. 12). Liebenow et al. does not teach a plurality of legs to support the keyboard. However, MPEP §2144.04, Section IV Part B cites *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960) (Claims at issue were directed to a water-tight masonry structure wherein a water seal of flexible material fills the joints which form between adjacent pours of concrete. The claimed water seal has a “web” which lies in the joint, and a plurality of “ribs” projecting outwardly from each side of the web into one of the adjacent concrete slabs. The prior art disclosed a flexible water stop for preventing passage of water between masses of concrete in the shape of a plus sign (+). Although the reference did

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not disclose a plurality of ribs, the court held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to duplicate the known leg element **404** of Liebenow et al. to provide a plurality of legs elements **404** for supporting the keyboard of Liebenow et al. against the bay casing **424** as seen in Fig. 12 for the purpose of supporting the keyboard in a more centralized and stable fashion against the bay casing.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID BANH whose telephone number is (571)270-3851. The examiner can normally be reached on M-F 9:30AM - 8PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571)272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DHB

/Judy Nguyen/
Supervisory Patent Examiner, Art Unit 2854